REMARKS

Claims 32-34, 36, 37, 46, 47, and 49-65 are currently pending in this application. Pursuant to the May 23, 2006 Office Action, claims 47, 49, and 50 have been rejected, claim 54 has been withdrawn from consideration as being directed to a non-elected invention, and claims 32-34, 36, 37, 46, and 51-53 have been allowed.[1]

By way of this Reply, claims 36, 37, 46, 47, and 49-53 have been amended, without prejudice, to make non-substantive formalistic changes, claims 47, 49, and 50 have also been amended, without prejudice, to overcome the respective § 112 claim rejections, and claims 55-65 have been added. Applicants respectfully submit that no new matter has been introduced into this application by these amendments.

Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claims 47 and 49 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular the Office Action states:

> The alleged support in the specification discloses the use of antibodies with known anti-CD94 or known anti-NKG2 binding properties to show that CD94/NKG2 is the binding target of HLA-E by inhibiting HLA-E staining of CD94/NKG2-positive cells. Said disclosure does not describe the use of the inhibition of binding HLA-E staining of CD94/NKG2 to identify compounds, including antibodies, that inhibit the binding or biological activity. There is no disclosure that these antibodies used to demonstrate that HLA-E binds to CD98/NKG2 is then further used for "medical diagnostic procedures." ... Furthermore,

[1] The May 23, 2006 Office Action identifies claim 50 as being allowed. Pursuant to the June 9, 2006 telephonic discussion between the Examiner and Applicants' undersigned representative, the Examiner confirmed that claim 50 stands rejected under 35 U.S.C. § 112, second paragraph, and should not have been stated to be allowed.

> the only antibodies disclosed in the example are anti-CD94 and anti-NKG2 A/B antibodies. There is no description of antibodies that bind to any other determinant that may inhibit the HLA-E binding.

Claims 47 and 49, as amended, are directed to using an anti-CD94 or anti-NKG2A antibody in a medical diagnostic procedure. Applicants respectfully traverse this rejection and submit that the Office Action admits that such compounds and their identification are disclosed in the examples of the present application. See May 23, 2006 Office Action at pg. 3. In particular, Example 2 at pgs. 21-28 of the present application, describes the identification of, for example, anti-CD94 (HP3D9, DX22) and anti-HLA-E (DX17) antibodies in accordance with the present invention. Similarly, Example 8, at pgs. 35-36 of the present application, identifies suitable anti-CD94, anti-HLA-E, and anti-NKG2A antibodies. The specification also expressly states that this "invention is useful for diagnostic purposes and in general for monitoring diseases," and pgs. 8-9 of the Specification describe various medical conditions which the present invention is useful for detecting.

Furthermore, an actual reduction to practice of every use of the claimed invention is not required to satisfy the written description requirement. See Falkner v. Inglis, 448 F.3d 1357, 1367 (Fed. Cir. 2006) (citing Univ. of Rochester v. G.D. Searle & Co., 358 F.3d 916, 926 (Fed. Cir. 2004) ("We of course do not mean to suggest that the written description requirement can be satisfied only by providing a description of an actual reduction to practice. Constructive reduction to practice is

an established method of disclosure ...."). "Thus, to the extent that written description requires a showing of 'possession of the invention,' ... an invention can be 'complete' even where an actual reduction to practice is absent." Falkner, 448 F.3d at 1367 (citing Capon v. Eshhar, 418 F.3d 1349, 1357 (Fed. Cir. 2005)). As admitted in the Office Action, the present application clearly describes the use of anti-CD94 and anti-NKG2A/B antibodies for use in the present invention, and, in particular, for use in medical diagnostic procedures.

Based on the foregoing support in the Specification, Applicants respectfully submit that claims 47 and 49, as amended, are fully supported by the description of the present application.

Accordingly, withdrawal of the § 112, first paragraph, rejections of claims 47 and 49 is respectfully requested.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claim 50 has been rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. The Office Action states that claim 50 is drawn to a method of producing a compound that affects the binding of HLA-E to CD94/NKG2 receptors, but only recites the steps for selecting a test compound, incubating the test compound with cells and determining whether the compound affects binding.

In accordance with the Examiner's remarks, claim 50 has been amended to recite the step of, "producing an identified compound." Applicants respectfully

submit that claim 50, as amended, should overcome this rejection, and withdrawal of this rejection is respectfully requested.

Conclusion

For the above reasons provided above, it is respectfully submitted that pending claims 32-34, 36, 37, 46, 47, and 49-65, are in condition for allowance. Accordingly, reconsideration and allowance of all pending claims is respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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